IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HONOURABLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.13603 of 2004

Between:

Malla Reddy B.Ed College, 114-116, Suraram Village, Qutbullapur,
R.R.District, Rep.by its Secretary Ch.Malla Reddy.

**...PETITIONER**

AND

1. The Principal Secretary, Government of Andhra Pradesh, School Education Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Director of School Education, Saifabad, Hyderabad.
3. The A.P.State Council for Higher Education, Hyderabad.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the 2nd respondent herein in rejecting to provide a schedule for admission of students in the unfilled seats in the petitioner College for the academic year 2003-2004, vide impugned proceeding dated 20.07.2004, in pursuance of the petitioner being recognized as a Minority Educational Institution vide proceedings dated 12.07.2004 as arbitrary and illegal offending Article 14 of the Constitution of India, more particularly in the nature of Writ of Mandamus with a consequential direction to the respondents to give effect to MEMO No.3963/M&R/A3/2004-2 dated

12.07.2004 and issue the schedule to the petitioner under G.O.Ms.No.169 dated 05.02.2004 for filling up the unfilled seats in the petitioner college.

**Counsel for the Petitioner: MR.S.SRI RAM**

**Counsel for the Respondents: GP FOR SCHOOL EDUCATION**

The Court at the admission stage made the following:

**ORDER:**

The petitioner-college was given recognition as Christian Religious Minority Institution by Memo No.3963/M&R/A3/2004-2, dated 12.07.2004. On the same day, the Secretary of the petitioner-college requested the second respondent to fix the schedule as per rules to enable the petitioner to take up admissions for the academic year 2003-04. By proceedings dated 20.07.2004, the second respondent informed the secretary of the petitioner-college that the request for issue of admission schedule for vacant seats could not be considered now. Assailing the same, the present Writ Petition is filed.

The learned counsel for the petitioner contends that the second respondent itself has allowed the admissions till 31.07.2004 and the Convenor of EDCET-2003 has issued notification, inviting applications for admission. Therefore, there would not have been any objection enabling the petitioner to take up admissions for the academic year 2003-04. He would also urge that the petitioner herein was subjected to discrimination in the matter of admissions, in that some other minority institutions were allowed to take up admissions whereas the same is denied to the petitioner that as per the memo dated 12.07.2004 the petitioner was permitted by the Government to take up admissions.

A reading of the impugned proceedings of the second respondent would show that the schedule of admissions, which was issued earlier was already extended on the request of ten (10) colleges which have obtained minority status, subsequent to the completion of admissions in minority colleges by 12.07.2004. It was therefore felt that if the admission schedule is issued in respect of other minority educational institutions, which have obtained minority status certificate, the same would prolong the admissions without end desirable. It was further observed that.

> As the admissions in Minority Colleges of Education for B.Ed course during 2003-04 were already delayed it is not possible to issue schedules as and when the Minority Status Certificate is issued through out the year. The Principal Secretary to Government, School Education Department was informed in this office Letter No.216/N2-1/2004, Dated 09.07.2004, duly extending a copy to the Minority welfare Department about the admissions in Minority Colleges of Education and was requested to address the Minority Welfare department not to issue any Minority certificate to the Colleges of Education for 2003-04, as it is not desirable to prolong the admissions for 2003-04 in view of the fact that the Ed-CET-2004 is likely to be issued shortly. Still there are certain Colleges of Education which are claiming for Minority Status and it is not possible to issue schedules again and again throughout the academic year as and when Minority Status is granted.

The request of the petitioner was rejected keeping in view the academic excellence in the teacher education. There cannot be any doubt that prolonged

admissions for the academic year 2003-04 would harm the academic standards. Further, it is not denied that in the State of Andhra Pradesh, B.Ed., education is already one year behind from the regular academic year. Now all the B.Ed., colleges were making admissions for 2003-04 whereas the admissions for 2004-05 were already commenced for other courses. In that view of the matter, I do not see any gross infirmity or illegality in the impugned order warranting exercise of power under Article 226 of the Constitution of India.

The Writ Petition, with the above reasons, is dismissed.

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**(V.V.S.RAO, J)**

3rd August 2004

RRB

Copies To:

1. The Principal Secretary, Government of Andhra Pradesh, School Education Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Director of School Education, Saifabad, Hyderabad.
3. The Secretary, A.P.State Council for Higher Education, Hyderabad.
4. Two CCs to G.P. for School Education, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.